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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/517,337

01/25/2005

Hitoshi Kobayashi

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08/19/2008

OLIFF & BERRIDGE, PLC

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EXAMINER

BROWN, VERNAL U

ART UNIT

PAPER NUMBER

2612

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/517,337	<b>Applicant(s)</b> KOBAYASHI, HITOSHI	
	<b>Examiner</b> VERNAL U. BROWN	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This action is responsive to communication filed on April 30, 2008.

#### ***Response to Amendment***

The examiner acknowledge the amendment of claims 6-7,

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rohrl et al. US Patent 6,353,776 in view of Spahn et al. US Patent 5469727 and further in view of Weis et al. US Patent 6794988.

Regarding claims 1 and 8, Rohrl et al. teaches a locking system comprising an IC tag (1) for locking operation (col. 7 lines 10-18), an IC tag monitoring device (9) that makes communication with the IC tag for locking operation, and a locking device that locks and

unlocks a device based on a result of monitoring made by the IC tag monitoring device (col. 8 lines 8-22), wherein said IC tag for locking operation stores identification data that is used for distinguishing the IC tag from other IC tags (col. 7 lines 14-16), wherein said IC tag monitoring device includes first transmission means (11) for transmitting a calling wave for calling said IC tag for locking operation (col. 8 lines 9-11, col. 8 lines 16-22), first reception means (12) for receiving a reflected wave returned from said IC tag for locking operation (col. 8 lines 16-22), an antenna (8) for key that is connected to said first transmission means and said first reception means (col. 7 lines 21-34), key determination means (13) for determining as being normal (authentic) if said first reception means receives a reflected wave containing identification data identical to registered data that is registered beforehand (col. 8 lines 12-21) within a specified period of time since said first transmission means transmits a calling wave (col. 8 lines 8 lines 35-40, col. 8 lines 50-59). Rohrl is silent on teaching the IC tag is included in a key and outputting the result of the key determining made by the key determination means. Spahn et al. in an analogous art teaches a locking device comprising a key (15) that includes an IC tag (47) (figure 4) and teaches the key determination means outputting the result of the key determination in order to authenticate the unlocking of the locking means (col. 5 lines 40-48, col. 5 lines 21-39). Weis et al. in an analogous art teaches the lock includes an antenna for the key into which the key is inserted (col. 3 lines 59-65).

It would have been obvious to one of ordinary skill in the art to modify the system of Rohrl as disclosed by Spahn et al. because including the IC tag in the key improves the

security of the locking mechanism because different level of security is provided by the IC tag and the mechanical key.

Regarding claim 2, Rohrl teaches second reception means for receiving the control signal from the control unit (13) for controlling the locking system of the vehicle (col. 8 lines 18-21).

Regarding claim 3, the limitation of claim 3 is written in an alternative manner, therefore the outputting of the key determining results as taught by Rohrl read on the claim limitation (col. 8 lines 18-21).

Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rohrl et al. US Patent 6,353,776 in view of Spahn et al. US Patent 5469727 in view of Weis et al. US Patent 6794988 in view of Ohnishi et al. US Patent 6,400,255 and further in view of Ford US Patent 6,681,987.

Regarding claim 4, claim 4 includes all the limitation of claim 1 regarding the IC tag monitoring device but the reference of Rohrl is silent on teaching the IC tag monitoring device comprises a second transmission means for transmitting a calling wave, and outputting history data of monitoring opening/closing operation and a third reception means for receiving a reflected wave return from the IC tag. Ohnishi et al. in an analogous art teaches a second communication means (22) for transmitting a calling wave and receiving the signal from the IC tag means (col. 5 lines 13-25). The reference of Ford teaches

outputting vehicle operational history information to be stored onto a smart card (col. 3 lines 7-10).

It would have been obvious to one of ordinary skill in the art to modify the system of Rohrl as disclosed by Ohnishi in view of Ford because a second transmission means allows the calling wave to be picked up in different areas of the tag monitoring device and provides for a more effective and convenient operation of the locking system.

Regarding claim 6, Rohrl teaches the antenna (10) for monitoring the IC tag is provided to the device main body which is the vehicle (col. 8 lines 8-22). Rohrl teaches monitoring the opening/closing operation by communicating with the IC tag for locking operation, and a locking device that locks and unlocks a device based on a result of monitoring made by the IC tag monitoring device (col. 8 lines 8-22). The limitation following the phrase “can make communication” is not given any patentable weight because it is not a positive recitation of a claimed limitation.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rohrl et al. US Patent 6,353,776 in view of Spahn et al. US Patent 5469727 in view of Weis et al. US Patent 6794988 in view of Ohnishi et al. US Patent 6,400,255 in view of Ford US Patent 6,681,987 and further in view of Kennedy et al. US Patent 5,659,291.

Regarding claim 5, Rohrl teaches key determination means (13) for determining as being normal (authentic) if the received identification data is identical to the registered data (col. 8 lines 12-21) but is silent on teaching making an annunciation if the result of the key determining

means is abnormal. Kennedy et al. in an analogous art teaches the use of a chime to distinguish between the proper and improper functioning of the antitheft system (col. 1 lines 40-43).

It would have been obvious to one of ordinary skill in the art to modify the system of Rohrl as disclosed by Kennedy et al. because making an annunciation if the result of the key determining means is abnormal provides meaningful information to the vehicle operator regarding the operation state of the anti-theft system and enables corrective action to be taken when necessary.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rohrl et al. US Patent 6,353,776 in view of Spahn et al. US Patent 5469727 in view of Weis et al. US Patent 6794988 in view of Ohnishi et al. US Patent 6,400,255 in view of Ford US Patent 6,681,987 and further in view of Vanderschel US Patent 5349345.

Regarding claim 7, Rohrl teaches key determination means (13) for determining as being normal (authentic) if the received identification data is identical to the registered data (col. 8 lines 12-21) but is silent on teaching but is silent on teaching providing history information regarding the available state of the electronic lock. Vanserchel in an analogous art teaches an electronic lock teaches setting the time interval for accessing the lock and the access times and the time at which identification data received is different from the stored identification information is written to the history file (col. 11 line 55-col. 12 line 17, col. 15 lines 50-64). It is the examiner's position that the point of time at which the communication available state change into communication unavailable state and the time at which the unavailable communication state change to communication available state is equivalent to the openable interval as disclosed by Vanderschel (col. 12 lines 10-17).

It would have been obvious to one of ordinary skill in the art to modify the system of Rohrl as disclosed by Vanderschel because the history information provides useful information regarding accesses to the electronic lock such the access time and the identification of the key used in accessing the lock and therefore improves the security of the electronic lock.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rohrl et al. US Patent 6,353,776 in view of Spahn et al. US Patent 5469727 in view of Weis et al. US Patent 6794988 and further in view of Luciano et al. US Patent 6609969.

Regarding claim 9, Rohrl teaches the use of an electronic locking system in a vehicle (col. 7 lines 10-18) but is silent on teaching the use of an electronic locking system in a gaming machine. Luciano et al. teaches the use of an electronic locking system in a gaming machine (col. 9 lines 23-40).

It would have been obvious to one of ordinary skill in the art to have an electronic locking system in a gaming machine because the electronic locking system improves the security of the gaming machine and provides history information regarding accesses to the gaming machine.

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rohrl et al. US Patent 6,353,776 in view of Spahn et al. US Patent 5469727 in view of Weis et al. US Patent 6794988 and further in view of Borugian US Patent 6718235.

Regarding claims 10-12, Rohrl teaches the use of an electronic locking system in a vehicle (col. 7 lines 10-18) but is silent on teaching but is silent on teaching the locking system includes management machine that manages the device via a network . Borugian in an analogous



art teaches managing a vehicle using a satellite network, monitoring the history data regarding the vehicle operation (col. 6 lines 15-40) and receiving the output from the key determining means of the driver identification information 9col. 6 lines 41-47).

It would have been obvious to one of ordinary skill to modify the system of Rohrl as disclosed by Borugian because managing the vehicle by a network allows the detection of the vehicle operating in an unauthorized manner and allows for corrective measure to be taken when it is determined that the vehicle is operated in an unauthorized manner.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VERNAL U. BROWN whose telephone number is (571)272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on 571-272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Vernal U Brown/  
Examiner, Art Unit 2612  
August 16, 2008